

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE,)	
)	
v.)	ID No.: 1006026385
)	No. 651, 2011
OMARI E. CLARK,)	E-FILED and U.S. MAIL
)	
Defendant.)	

Submitted: April 11, 2012
Decided: May 11, 2012

ORDER

**Findings of Fact And Conclusions Of Law
After Evidentiary Hearing**

1. In response to the Supreme Court's April 11, 2012 order, the court conducted a *Watson v. State*, evidentiary hearing, on notice to the State.¹
2. It turned out that Clark's family was trying to obtain private counsel for Clark. Clark did not want to represent himself. He wanted privately retained counsel or, failing that, court-appointed counsel.
3. After the *Watson* hearing, the court contacted Clark's trial counsel, Joseph Hurley, Esquire, to learn whether he had, in fact, been retained.

¹ 564 A.2d 1107 (Del. 1989).

4. Mr. Hurley informed the court that although that he had not been “retained,” nor did he expect to be “retained,” he considered himself duty-bound to ensure that Clark is properly represented on appeal.

5. Accordingly, Mr. Hurley having suggested, at the time of his withdrawal, an appellate approach and, after consulting with court-appointed, appellate counsel, Mr. Hurley wishes the opportunity to further his argument on behalf of Clark.

6. If he has not done so already, the court expects Mr. Hurley will enter his appearance on Clark’s behalf, reflecting Clark’s wish.

For the foregoing reasons, the court finds that Omari Clark does not wish self-representation. He chooses representation by his original trial counsel, Joseph Hurley, Esquire, and Mr. Hurley will represent Mr. Clark on direct appeal.

/s/ Fred S. Silverman

Judge

cc: Prothonotary (Criminal)
Brian Robertson, Deputy Attorney General
Bernard O’Donnell, Esquire
Joseph Hurley, Esquire
Omari E. Clark, Defendant